THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

Writ Petition No.27215 of 2007

(DATED: 20-12-2007)

Between:
Gundla Ramkumar S/o Narsaiah
Aged 47 years, Occ: Cultivation
R/o Gowdla Ramavaram village
Karukonda, Kothagudem Mandal,
Khammam District.

…Petitioner

A n d

The Principal Secretary to Government, Tribal Welfare
Govt. of A.P., Secretariat, Hyderabad and others

….Respondents

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. This writ petition is filed questioning the inaction on the part of the first respondent-revisional authority, in not passing orders either in the revision or on the stay application filed against the orders of the second respondent-Additional Agent to the Government, Bhadrachalam dated 18.8.2007 passed in C.M.A.No.93 of 2005 confirming the order of the third respondent, Special Deputy Collector, Palvancha in L.T.R.Case No.17/2005/KGM dated 19.4.2005.

3. The petitioner claims to be the owner and possessor of an extent of Ac.4-09 guntas in Survey Nos.185/AA situate at Hemachandrapuram village, Kothagudem Mandal, Khammam District. It is the case of the petitioner that his predecessor-in-title has purchased the said property from the father of the 5th respondent, as early as on 2.5.1967. On the ground that the transfer was in violation of the provisions of A.P. (Scheduled Areas) Land Transfer Regulation 1 of 1959 as amended by Regulation 1 of 1970, the third respondent-Special Deputy Collector, Tribal Welfare, Bhadrachalam passed an order of eviction of the petitioner from the above said land and ordered to take over possession of the said land into Government custody, so as to assign the same to the eligible tribals.

4. As against the said orders, the petitioner filed an appeal before the second respondent-Additional Agent to the Government, Bhadrachalam, who, by further impugned order dated 18.8.2007 dismissed the appeal confirming the order of the Government.

5. Assailing the order of the primary authority as confirmed by the appellate authority, the petitioner filed a revision petition before the Government on 15.11.2007 along with an application for interim orders.

6. It is the grievance of the petitioner that on one hand, the revisional authority has not taken up the matter and did not pass any orders on the application for interim orders, but however, on the other hand, the respondents are taking steps for eviction of the petitioner from the petition scheduled land.

7. Prohibition of Transfers of land in Scheduled Areas from tribal to non-tribal came into force with effect from 1.12.1963 by virtue of Andhra Pradesh (Scheduled Areas) Land Transfer Regulation 1 of 1959 ("Regulation", in short). The said Regulation was extended prohibiting transfers *inter se* non-tribals also with effect from 3.2.1970. Further, a Full Bench of this Court in **Gaddam Narsa Redy v. Collector, Adilabad District**[1] has held that the Regulations are prospective in operation. In this case, it is the case of the petitioner that the land was purchased on 2.5.1967 and in spite of the same the eviction orders were passed.

8. In view of the pendency of the revision petition before the first respondent-Government, it is not desirable to record any finding on merits with regard to the validity of transfer of the land in favour of the

petitioner. Inasmuch as it is stated that the land was purchased as early as on 2.5.1967 and since then, it is in continuous and uninterrupted possession of the petitioner and in view of the pendency of the revision, I deem it appropriate to direct the first respondent-revisional authority to decide the revision petition filed by the petitioner on 15.11.2007 as expeditiously as possible. It is further directed that the respondents shall not take any steps for eviction of the petitioner from the petition schedule land, i.e., Ac.4-09 gts in S.No.185/AA situate at Hemachandrapuram village, Kothagudem Mandal, Khammam District till the revision petition filed before the first respondent is disposed of and the order therein is communicated to the petitioner.

9. Subject to the above, the writ petition is disposed of at the stage of admission. No order as to costs.

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R.SUBHASH REDDY, J

20-12-2007
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[1] AIR 1982 APHC 1 (FB)